

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Tomas NAVA-PONCE,

Case: 2:24-mj-30220

Assigned To : Unassigned

Assign. Date : 6/5/2024

Case No.

Description: RE: TOMAS
NAVA-PONCE (EOB)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 3, 2023 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

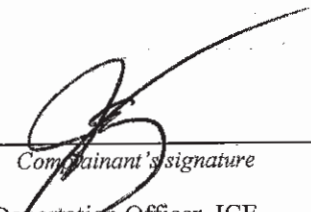
On or about October 3, 2023, in the Eastern District of Michigan, Southern Division, Tomas NAVA-PONCE, an alien from Mexico, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about January 11, 2005, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 5, 2024

City and state: Detroit, MI


Complainant's signature

Jason Armstrong, Deportation Officer, ICE
Printed name and title


Judge's signature

R. Steven Whalen, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Jason Armstrong, declare the following under penalty of perjury:

1. I am a Deportation Officer with the U.S. Department of Homeland Security, Immigration & Customs Enforcement (ICE), having been employed in this capacity since September 2017. Previously, I served as an Investigative Analyst with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), for approximately 2 years and as a Correctional Officer with the Bureau of Prisons (BOP), for approximately 5 years. I have reviewed the official Immigration file (A096 419 855) and system automated data relating to Tomas NAVA-PONCE which attests to the following:
2. Tomas NAVA-PONCE is a forty-one-year-old male, native and citizen of Mexico, who last entered the United States at an unknown place, on an unknown date, without being admitted, inspected or paroled by an Immigration Officer.
3. On or about November 27, 2002, the Waterford Township Police Department arrested NAVA-PONCE for the offense of Larceny.
4. On or about December 22, 2004, Immigration Customs and Enforcement (ICE) apprehended NAVA-PONCE at or near Pontiac, MI and served him a Form I-862; Notice to Appear.
5. On or about January 4, 2005, an Immigration Judge (IJ) in Detroit, MI ordered NAVA-PONCE removed from the U.S. to Mexico.
6. On or about January 11, 2005, ICE removed NAVA-PONCE from the U.S. to Mexico.
7. On or about February 16, 2007, the Pontiac Police Department arrested NAVA-PONCE for a traffic offense. This arrest has no disposition.
8. On or about June 27, 2012, the 51st District Court dismissed the criminal allegation submitted by the Waterford Township Police Department for Larceny.
9. On or about October 3, 2023, the Oakland County Sheriff's Office arrested NAVA-PONCE for the offense of sexual assault.

10. On or about October 4, 2023, ICE, Enforcement and Removal Operations (ERO), Detroit Field Office, became aware of NAVA-PONCE and his reentry into the U.S. following his arrest by the Oakland County Sheriff's Office for felony sexual assault.
11. On or about January 30, 2024, the 6th Circuit Court in Pontiac, MI convicted NAVA-PONCE of Criminal Sexual Assault – Second Degree (person under thirteen, defendant 17 or older), in violation of Michigan Compiled Laws (MCL) 750.520C28, and sentenced him to 305 days' jail and a \$198 fine.
12. On or about June 3, 2024, ICE transferred NAVA-PONCE from Oakland County Jail custody into ICE custody and transported him to the Detroit Field Office for processing.
13. NAVA-PONCE's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that NAVA-PONCE is a citizen of Mexico who has been previously removed from the United States. Record checks did not provide any evidence that he legally entered the United States or had been issued any legal immigration document to allow him to enter or remain the United States.
14. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of non-citizens.
15. Review of the Non-citizen File (AXXX XXX 855) for NAVA-PONCE and queries in ICE computer databases confirm no record exists of NAVA-PONCE obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal.
16. There is probable cause to conclude that Tomas NAVA-PONCE, a citizen of Mexico, is a non-citizen who was found in the United States after removal, without the express permission from the Attorney General of the

United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Jason Armstrong, Deportation Officer
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable R. Steven Whalen
United States Magistrate Judge

June 5, 2024